

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
REHABILITATION SERVICES DIVISION**

**CHAPTER 1240-8-11
SUPPORTED EMPLOYMENT SERVICES PROGRAM**

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1240-8-11-.01 PURPOSE.

The Department of Human Services, Division of Rehabilitation Services is the designated agency for the administration of the Supported Employment Services Program. These rules are promulgated for the purpose of implementing this program in accordance with the Tennessee Uniform Administrative Procedures Act. This chapter sets forth the guidelines of the Tennessee Division of Rehabilitation Services (DRS) to be used for administering the State's Supported Employment Services Program.

Authority: T.C.A. §§4-5-202, 71-1-105(12), PL 93-112, as amended by PL 99-506, 52 Federal Register No. 30546 (amending Title 34 of the Code of Federal Regulations), and 34 CFR §§361 and 363. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002.

1240-8-11-.02 DEFINITIONS.

- (1) "Competitive Employment" means work that is performed on a full-time basis or part-time basis in an integrated setting and for which an individual is compensated at or above minimum wage but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.
- (2) "Integrated Work Setting" means job sites where:
 - (a) Most co-workers are not disabled; and
 - (b) Individuals with disabilities are not part of a work group of other individuals with disabilities; or
 - (c) If a job site described in (a) or (b) above is not possible, a small work group of not more than eight (8) individuals all of whom have disabilities and have regular contact with non-disabled workers (e.g., breaks and lunch time) other than staff providing support services in the immediate work setting will meet the requirements of this paragraph.
- (3) "On-Going Support Services" means continuous or periodic job skill training services provided at least twice monthly at the work site or if under special circumstances off-site monitoring contacts with the individual throughout the term of employment to enable the individual to perform the work. The term also includes other support services provided at or away from the work site, such as transportation, personal care services, and counseling to family members, if skill training services are also needed by, and provided to, that individual at the work site to reinforce and stabilize the employment outcome.
- (4) "Service Provider" means a rehabilitation facility and/or other community based agency which will provide supported employment services to eligible individuals and/or provide on-going job support. The services provided by the vendor under contract may include, but are not limited to:

(Rule 1240-8-11-.02, continued)

- (a) functional assessment;
 - (b) job training services;
 - (c) survey of businesses and assurance of potential work sites suited to the needs of the individuals;
 - (d) analysis of all relevant job related variables, i.e., transportation, job restructuring, tax credit for employers, etc.;
 - (e) provision of direct training at employment sites until the individual is working to the employer's standards;
 - (f) development of internal advocacy system; or
 - (g) provision of long-term follow-up service, as necessary.
- (5) "Supported Employment" means competitive employment in an integrated work setting with on-going support services for individuals with the most significant disabilities for whom competitive employment---
- (a) Has not traditionally occurred; or
 - (b) Has been interrupted or intermittent as a result of severe disabilities; and who:
 - 1. Because of the nature and severity of their disabilities need intensive Supported Employment Services and extended services after transition in order to perform this work; or
 - 2. Are individuals with a most significant disability, due to mental illness, who need transitional employment.
- (6) "Supported Employment Services Program Models" means - -
- (a) "Benchwork Model" - The benchwork model is designed to provide employment in a service agency which also functions as a business enterprise. Contract work is procured from firms and related industries. Individual workers receive intensive training and supervision on contract tasks.
 - 1. Operated as small, single purpose, not-for-profit corporations, companies using the benchwork model provide employment and related services for up to eight (8) individuals with significant disabilities. For a benchwork model to be considered, adequate integration must be assured.
 - (b) "Enclave Model" - A supported employment enclave maintains many of the benefits of employment while providing the continuous on-going support required by some individuals for long-term job success.
 - 1. A small group of workers, not more than eight (8), with significant disabilities are employed in an industrial setting managed by a specially trained supervisor. Within the enclave, payment for work performed is commensurate with pay to others within the host company doing the same type and amount of work. Persons with disabilities work alongside others doing the same work, although limited work abilities and behavioral needs may require that workers be situated in proximity of each other to enhance training

(Rule 1240-8-11-.02, continued)

and supervision. Workers with disabilities receive the same benefits as others in the company with respect to such procedures as working hours, lunch and break times, and performance evaluations.

- (c) “Job Coach” - The job coach model establishes employment opportunities for individuals with significant disabilities in local industries on a one-person/one-job basis on jobs at or above prevailing commensurate wages. A trained job coach develops the job in the industry, matches an individual to the job, trains the individual on the job until he/she meets industry criteria, and then provides on-going follow-up support to the individual and the employer for as long as such services are required.
- (d) “Mobile Crew” - As with the enclave model, the mobile crew provides the opportunity for continuous on-going support while offering integrated employment. A small crew or set of crews having one supervisor and approximately five (5) employees per crew perform work in regular industry. Typically, the workers in the mobile crew perform service operations for organizations, businesses, and individual community members.
- (7) “Time Limited Services” means the time-limited services funded under the State Supported Employment Program. Time limited services include services which are needed to job place, train, support and maintain an individual with significant disabilities in employment based upon an assessment of the individual’s needs, as specified in an IPE.

These services should not exceed eighteen (18) months. The eighteen (18) months starts at the time of placement when the on-the-job training is first provided. An exception may be made to the eighteen (18) month limitation for time-limited services when it is determined that more than eighteen (18) months of support is needed for the supported employee to achieve an employment outcome. If the eighteen (18) month time period is exceeded, it should be on a case-by-case basis as determined in the IPE or amendment.

- (8) Transitional Employment Services.
 - (a) “Transitional Employment” means competitive employment in an integrated work setting for individuals with a significant disability due to mental illness who may need support services (but not necessarily job skill training services) provided either at the work site or away from the work site to perform the work. The job placement may not necessarily be permanent employment for the individual.
 - (b) Transitional employment services consist of a series of temporary sequential job placements until job permanency is achieved. The job could be temporary or seasonal and the on-going “job skill training” requirement of “at least twice monthly” is waived unless the individual needs these services.

Authority: T.C.A. §§4-5-202, 71-1-105(12), PL 93-112, as amended by PL 99-506, 52 Federal Register No. 30546 (amending Title 34 of the Code of Federal Regulations), and 34 CFR §§361; 361.5, and 363. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002.

1240-8-11-.03 ELIGIBILITY CRITERIA.

Services may be provided to any individual under this program who meets the following criteria:

- (1) The individual has a most significant disability and competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of the disabilities;

(Rule 1240-8-11-.03, continued)

- (2) The individual has been determined to be eligible for the State Vocational Rehabilitation Program;
- (3) It has been determined that Supported Employment is the appropriate rehabilitation objective for the individual;
- (4) The individual has the ability or potential to engage in a training program leading to Supported Employment outcome; and
- (5) The individual has a need for on-going support services in order to perform competitive employment.

Authority: T.C.A. §§4-5-202, 71-1-105(12), PL 93-112, as amended by PL 99-506, 52 Federal Register No. 30546 (amending Title 34 of the Code of Federal Regulations), and 34 CFR §§361 and 363. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002.

1240-8-11-.04 PROVISION OF SERVICES.

- (1) Diagnostic Services
 - (a) Evaluation of rehabilitation needs for eligibility purpose must be provided in accordance with VR (Title I) policy.
 - (b) Evaluation(s) supplemental to eligibility determination, if necessary, may be paid from Part "C", Title VI funds.
- (2) Traditional Time-limited Employment Services, including:
 - (a) Job placement, job training and other training will be provided by skilled job coaches for workers participating in one of the Supported Employment Service models. It is the responsibility of the rehabilitation counselor to provide regular contact and follow-up with the individual in supported employment and with the job coach, employer, parents and others where indicated for the purpose of reinforcing job stability.
 - (b) Other needed services both at and away from the job site will be provided.
 - (c) Post-employment services needed to maintain a supported employment placement will be provided.
- (3) On-Going Support Services
 - (a) Service providers, under contract with DRS and/or other approved agencies will provide on-going support services. It will be the responsibility of the counselor to document the availability of on-going support services prior to Rehabilitation Services establishing an Individualized Plan for Employment for a client with a goal of supported employment. This commitment shall be in writing and be placed in the individual's file.
 - (b) Supported Employment services programs for eligible individuals will require the establishment of a coordinated plan for follow-up and post-employment services between the counselor and the service provider.

Authority: T.C.A. §§4-5-202, 71-1-105(12), PL 93-112, as amended by PL 99-506, 52 Federal Register No. 30546 (amending Title 34 of the Code of Federal Regulations), and 34 CFR §§361, 361.5, and 363. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002.

1240-8-11-.05 CASE CLOSURE.

- (1) Case closure occurs when the individual receiving Supported Employment Services reaches the point of job stability (i.e., at least ninety (90) days in Status 22 (Status 22 means an appropriate status to indicate the client is engaged in employment)). Indicators of job stability are:
 - (a) Employer satisfaction;
 - (b) The individual is employed in an integrated work setting and is meeting the established hourly work goal and the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
 - (c) Job coaching intervention has leveled to a minimum expected involvement for the individual; and the minimum expected level of intervention is maintained for a period of not less than ten (10) consecutive work days; and
 - (d) The extended services have been initiated.
- (2) The decision for closing a case will be made on an individual client basis by the Rehabilitation Counselor. Counselor involvement ends at case closure.

Authority: T.C.A. §§4-5-202, 71-1-105(12), PL 93-112, as amended by PL 99-506, 52 Federal Register No. 30546 (amending Title 34 of the Code of Federal Regulations), and 34 CFR §§361 and 363. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002.